

ZIYAARAT OF THE QUBOOR (Visiting the Graves)

AND THE SHARIAH

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INTRODUCTION

The aim of this short treatise is to explain the masaai-il of the Shariah pertaining to *Ziyaarat-e-Quboor* and after *Dafn* (*Burial*). There exists a variety of practices for these occasions in different places. No one appears to be confidently versed with the *tareeqah* (way) of the Shariah and the *Ta-aamul* (the permanent practice from time immemorial) of the Akaabireen (our senior and illustrious Ulama – the Authorities of the Shariah). As a consequence of this unawareness coupled to the inflated ego of some modern-day Molvis and students of Deeni Madaaris, the Muslim public is in a quandary on this issue.

Issues which had long ago been settled by the Akaabireen have been given new forms of controversy for no valid and no good reason whatsoever. The Akaabir Ulama of Deoband have visited and guided the Muslims of South Africa for more than half a century. The avenue of guidance and the Sunnah was opened up for South African Muslims about 50 years ago with the arrival of Hakimul Islam, Hadhrat Maulana Qaari Tayyib Saheb (rahmatullah alayh). Thereafter followed a number of senior Ulama and Auliya of Deoband. The Muslims of South Africa look on these Akaabireen as paragons of virtue, embodiments of the Sunnah and Standard-Bearers of Allah's Immutable Shariah and Fierce Opponents and Destroyers of Bid'ah.

The present generation of Ulama who have studied under these illustrious seniors in India and Pakistan for 5, 7, and 10 years had observed the *Sunnah Tareeqah* of their Akaabir Mashaaikh and Asaatizah from very close range. They saw the ways and the methods of the Ulama of the Sunnah—the Ulama of Deoband. They followed them, They never objected to the *Tareeqah* of their *Asaatizah*, *Mashaaikh* and the Ulama in general in Deoband, Saharanpur, Jalalabad, Karachi, Lahore,

etc., etc. They acted according to the teachings and ways of these Seniors without a murmur of discontent.

The South African Maulanas who are today creating a controversy on the *Ziyaarat-e-Quboor* issue, studied Hadith, Fiqh and Tafseer under the senior Ulama of Deoband. They (i.e. the South African Maulanas) are aware that the Akaabir Ulama of Deoband and Saharanpur were experts in Hadith. Their entire lives were devoted to the service of Hadith, Fiqh and Tafseer, etc. Our South African Maulanas, all of them, had accompanied the Akaabireen on visits to the Qabrustaan and to the graves of the Ulama and Auliya. They saw how the seniors conducted themselves during their *Ziyaarat of the Quboor*. They followed the seniors, and never wagged their tongues nor dared to even intimate that they (i.e. the small Maulanas) had knowledge of Hadith as the Akaabireen had. Hence they were mute muqallideen in every aspect.

But today when all their senior Asaatizah, Mashaaikh and Ulama have departed from this earthly realm, some South African Maulanas have run away with the corrupt idea of being qualified in the propensity of *Ijtihad*. Thus, they dig out a Hadith from some niche of a Hadith Kitaab, subject it to their corrupt ‘ijtihād’, and like a magician doing a hat trick, produce a ‘fatwa’ in stark conflict with the *established Ta-aamul of the Akaabireen*—a Practice which has come down to us from the Seniors, from one generation to the other – a Practice of which these new Maulanas are not ignorant – a Practice in which they themselves participated and upheld when they were studying under the Akaabireen.

The misdirection of the Maulanas in the present day is truly lamentable. In their new fatwas they appear to be either competing with the Ahl-e-Bid’ah who hitherto were the

Barelwis. But, we have to state unequivocally, that Bid'ah is not restricted to the ranks of the Barelwis. Much bid'ah in recent years has crept into the new brand of Molvis who are associated with our Ulama of Deoband.

In this concise treatise we shall, Insha'Allah, explain the *Tareeqah* of *Ziyaarat-e-Quboor* in accordance with the Shariah. The *Ta-aamul* of the Akaabireen is a facet of the Shariah. This no Molvi Saheb dare deny. Any 'fatwa' or way which is in conflict with the *Ta-aamul of the Akaabireen*, is baseless and should not be followed. The *Tareeqah* of the Akaabireen who are today all in their Graves, is the way of the Shariah – the Way of the Sunnah. The new ways concocted by the modern-day Molvis is baatil – baseless and should be shunned.

Insha'Allah, we shall present two things in this short booklet:

- (1) The Shariah's *Tareeqah* of *Ziyaarat-e-Quboor*.
- (2) Our response to the new bid'ah which is being propagated in the graveyard.

“And follow the Path of those who turn to Me.”
(Qur'aan)

ZIYAARAT OF THE QUBOOR OR VISITING THE GRAVES

Rasulullah (sallallahu alayhi wasallam) said:

*“Visit the graves, for verily, the graves remind you of the
Aakhirah.”*

“Visit the graves, for verily they alienate (you) from the dunya and remind you of the Aakhirah.”

TA’LEEM OF RASULULLAH (sallallahu alayhi wasallam)

(1) Sulaiman Bin Buraidah (radhiyallahu anhu) narrates that his father said: *“When they (the Sahaabah) would go to the graves, Rasulullah (sallallahu alayhi wasallam) would teach them. He would say:*

السَّلَامُ عَلَيْكُمْ, أَهْلَ الدِّيَارِ مِنَ الْمُؤْمِنِينَ وَ الْمُسْلِمِينَ, وَإِنَّا إِن شَاءَ اللَّهُ
بِكُمْ لَاحِقُونَ, نَسْأَلُ اللَّهَ لَنَا وَلَكُمْ الْعَافِيَةَ

“Assalamu Alaikum, O Mu’mineen and Muslimeen of the City (i.e. of the Graveyard)! Verily, we, if Allah wills, shall be joining you. We ask Allah for aafiyat (safety from punishment) for us and for you.”

Similar versions of this dua appear in different Hadith narrations.

(2) Abdullah Bin Umar (radhiyallahu anhumaa) said: *“I heard Nabi (sallallahu alayhi wasallam) saying: “When any of you dies, then do not delay him (i.e. the burial of the mayyit). Make haste with him (with his burial) to his qabr (grave). And, recite by his headside the opening (verses) of Surah Baqarah, and by his feet the end of Surah Baqarah.”*

In this Hadith Rasulullah (sallallahu alayhi wasallam) instructs that after the mayyit has been buried, the first few verses of Surah Baqarah until **هم المفلحون** should be recited at the headside, and the last few verses of Surah Baqarah, from

امن الرسول should be recited at the feet of the mayyit. Nothing else is instructed.

(3) Uthmaan Bin Affaan (radhiyallahu anhu) said: *“After the burial of the mayyit, Nabi (sallallahu alayhi wasallam) would stand by him (i.e. by the grave) for some time. He said: ‘Seek forgiveness for your brother, and ask Allah to grant him firmness because verily, he is now being questioned.’”*

On the basis of these Ahaadith, the Fuqaha of the Ummah explain the *Tareeqah* of *Ziyaarat* as follows:

* When arriving at the Qabrustaan, recite the abovementioned dua or any other similar Masnoon Dua.

* When reaching any particular grave, then stand by the grave. Do not sit. Recite the beginning and ending of Surah Baqarah as mentioned above in the Hadith. Surah Yaaseen, Mulk as well as any other Surahs may also be recited. All such recitation is substantiated by the Ahaadith.

* When Dua and Istighfaar are made, then also remain standing. Make dua without lifting the hands. This is the *Ta-ammul* of all our Akaabireen Ulama who were staunch followers of the Sunnah and opponents of Bid’ah. No one can deny this *Ta-ammul*. This will be discussed in greater detail in the ensuing pages, Insha’Allah.

* When approaching the grave do so from the feet-side, not from the head-side. If this way is difficult for some reason, then it is also permissible to approach from the side of the head.

* Then supplicate to Allah Ta’ala to bestow the *thawaab* of your recital to the *mayyit* or to all the *amwaat* (deceased).

This is the simple way of the Shariah. This is the *Masnoon Tareeqah* which all the Akaabireen had followed, and all the *Asaaghireen* (*small Molvis*) who had studied under the Akaabireen had also followed this way while they were in Deoband, Saharanpur, Jalalabad, etc., etc. It is only recently – very recently—some months ago—that some South African Molvis have initiated a new practice – a bid’ah – in the method of visiting the graves.

THE NEW METHOD

Diverging from the *Ta-ammul* of the Akaabireen, which is the actual Sunnah method of *Ziyaarat-e-Quboor*, a new method which has been recently introduced is for the Maulana Saheb who is ‘in charge’ of the burial to make an announcement after *dafan* (burial). He calls on the gathering of people to face the Qiblah. Then with hands lifted an *Ijtima-i* (congregational) loud dua is made. This method is bid’ah. It has no basis in the Sunnah nor was this the method of the Akaabir Ulama, Mashaaikeh and Auliya.

It is well-known that the Ahl-e-Bid’ah have their congregational duas and other ritual acts at the graveside. Recently, some Maulanas associated with Ahl-e-Deoband have initiated a similar act of congregational dua. The only difference with the Barelwi gentlemen is that these Maulanas make the announcement to face the Qiblah.

The strongest argument for the error of this new method is that it is in conflict with the *Ta-ammul* of our Akaabir Ulama. There is really no need for the presentation of any further argument to establish the error of the new method. However, since the Hadith of Rasulullah (sallallahu alayhi wasallam) is being tendered in substantiation for this practice, it has become

necessary to elaborate in order to dispel the confusion created in the minds of those who are not aware of the principles and rules of the Shariah.

THE PROOF PRESENTED FOR THE NEW METHOD

1. THE HADITH OF HADHRAT IBN MAS'OOD

Those who follow the new method, present the following question and *Fatwa* of Hadhrat Mufti Mahmudul Hasaan (rahmatullah alayh):

Question: *“After burying the mayyit should the Dua of Maghfirat be made with hands lifted or without lifting the hands?”*

Answer: *“Dua without lifting the hands can also be made and also by lifting the hands. Nabi-e-Akram (sallallahu alayhi wasallam) did face the Qiblah and had made dua with hands raised after burial. If it is the desire to lift the hands, then following Rasulullah (sallallahu alayhi wasallam), do not face the grave. But face the Qiblah. In the Hadith of Ibn Mas'ood (radhiyallahu anhu) it appears: “I saw Rasulullah (sallallahu alayhi wasallam) in the grave of Abdullaah.... After completing the burial, he faced the Qiblah with his hands raised (in dua). Abu Awaanah in his Saheeh—Fathul Baari”*

2. THE HADITH OF HADHRAT AISHAH

In a lengthy Hadith reported in many Hadith Books, Hadhrat Aishah (radhiyallahu anhu) said: *“.....until he (Nabi-e-Kareem –sallallahu alayhi wasallam) came to Al-Baqee’ (the*

graveyard). Then he stood for a long while, then raised his hands thrice."

These are the only two Hadith narrations which are available for those who have introduced the new method.

THE RESPONSE

Both the aforementioned narrations do not substantiate the new method introduced recently in conflict with the *Ta-ammul* of the Akaabireen. At most it can be contended that lifting the hands in the Qabrustaan is permissible. This permissibility is not valid grounds for innovating a new method in the Deen. It was not the regular and permanent practice of Rasulullah (sallallahu alayhi wasallam) and the Sahaabah to lift their hands when making dua in the qabrustaan. Hence, Hadhrat Mufti Kifaayatullah (rahmatullah alayh) states in his Kifaayatul Mufti:

“To lift the hands in dua at the mazaar (grave of a buzrug) is *Mubah* (i.e.permissible). But it is better to either face the mazaar and recite Faatihah (make dua) without lifting the hands or face the Qiblah and make dua standing with hands lifted.”

Inspite of this permissibility, Fataawa Rahimiyyah states: *“However, if the grave is in front (of the one who makes dua) and there appears (to an observer) the doubt of supplicating to the inmate of the grave, then to lifting the hands is prohibited.”*

Although Hadhrat Maulana Ashraf Ali Thaanvi (rahmatullah alayh) states in *Imdaadul Fataawa*, that lifting the hands in the Qabrustaan is permissible, he said in answer to a question posed by a Molvi Saheb: *“Dua should simply be made and the thawaab bestowed. The hands should not be lifted. Facing the*

grave and lifting the hands in dua have been prohibited by the Fuqaha. In so doing there is the doubt of seeking aid from the inmate of the grave. However, it is permissible to make dua with one's back towards the grave. Islam has greatly emphasised the protection of Tauheed. But people are not concerned. They create confusion. Out of these acts bid'aat develop." (Al-Ifaadhaatul Yaumiyyah, Vol.5)

In another *Malfooz*, Hadhrat Maulana Ashraf Ali Thaanvi (rahmatullah alayh) said:

"When making dua at the graveyard, do not lift the hands. Even at the time of burying, the hands should not be lifted when making dua. This ensures the observance of the Shariah's arrangement (limits). Lifting the hands while making dua at the graveyard may convey the impression that supplication is being made to the dead."

It should therefore be clear that the permissibility stated by Hadhrat Maulana Ashraf Ali Thaanvi (rahmatullah alayh) applies to a situation unadulterated by bid'ah. There is no support in the statement of Hakimul Ummah for the new method of 'faatihah' which has been introduced. The initial permissibility has been negated by the prevalence of bid'ah and the *Ta-ammul* of the Akaabir Ulama.

The questions and the answers mentioned above pertain to only the act of lifting the hands when making dua at the graveside. It deals with one specific issue of the new practice. That one issue is only the lifting of the hands. The fatwa of permissibility does not apply to the whole practice. It concerns only the aspect of lifting the hands. Hadhrat Thaanvi (rahmatullah alayh) as well as the other Ulama who have stated the permissibility of lifting the hands in the qabrustan, were not asked about the congregational form or the *hay't-e-kathaaiyyah* of the the

practice which consists of several factors, not only of the act of lifting the hands. Furthermore, they themselves, notably Hadhrat Thaanvi (rahmatullah alayh) rejected the practice as the aforementioned two statements clarify.

Although lifting the hands in dua in the qabrustaan was initially permissible in view of the two Hadith cited earlier, it is the *Ta-ammul* of our Akaabir to refrain from lifting the hands in the qabrustaan whether facing the Qiblah or not or whether facing the grave or not. It is also the *Fatwa* of our Akaabireen to refrain from lifting the hands. Thus, Hadhrat Mufti Zafar Ahmad Uthmaani states in *Imdaadul Ahkaam* which was compiled under the supervision of Hakimul Ummat Maulana Ashraf Ali Thaanvi (rahmatullah alayh):

“After dafn (burial) of the mayyit dua should be made without lifting the hands. I had seen in some Kitaab of Fiqh the condition of ‘Ghair Raafi’ Yadaai’ (i.e. the supplicator should not lift his hands). However, I have presently searched much for this reference, but was unable to find it. Nevertheless, Qiyaas supports this (i.e. abstention from lifting the hands) because in it is the appearance of asking from the inmates of the graves. This (abstention) applies especially (i.e. with greater emphasis) when the general public regards it to be necessary. Abstention from it is then essential.” (Kitaabul Janaaiz, Vol.1)

Hadhrat Mufti Zafar Ahmad Uthmaani (rahmatullah alayh) clearly attributes the prohibition of lifting the hands to the Fuqaha. The following factors confirm that the hands should not be raised when making dua in the graveyard:

(1) The Fatwa of Hadhrat Mufti Zafar Ahmad Uthmaani and of Hadhrat Maulana Ashraf Ali Thaanvi (rahmatullah alayh) state

abstention notwithstanding the initial permissibility mentioned in the Hadith.

(2) Lifting the hands conveys the impression that the supplicants are praying to the graves and soliciting from the inmates of the grave.

(3) It is among the *shiaar* (salient features) of the Ahl-e-Bid'ah. The Fuqaha state explicitly and with emphasis that when even a Sunnat act becomes a salient feature of the Ahl-e-Bid'ah then abstention therefrom is Waajib. Lifting the hands in the grave is not a necessary practice nor a regular practice of Rasulullah (sallallahu alayhi wasallam) nor of his Sahaabah.

(4) The classification of lifting the hands in the graveyard oscillates between *Mubaah* (Permissible) and *Mandoob* (Mustahab). When such practices are considered necessary or given the status of *Wujoob* (compulsion) as the prevalent customs evidence, then abstention is incumbent.

(5) All our Akaabireen were Ulama of the highest status. Their lives were devoted to the study and teaching of Hadith, Fiqh and Tafseer. They were fully aware of the two Hadith narrations on which some Maulanas of this time base their new practice. Yet, they abstained from lifting their hands when making dua in the qabrustaan.

(6) By lifting the hands and making congregational dua in the qabrustaan, we are emulating the practice of the Ahl-e-Barailli.

(7) The Ulama who say that lifting the hands is permissible in the qabrustaan stipulate the condition of *not facing the graves*. It is not possible to fulfil this condition in the qabrustaan. Even if the gathering faces the Qiblah, there are graves all around in

every direction and place. Facing the graves is thus incumbent when making dua with hands lifted. Hence, even according to those Ulama whose *fatwa* states the permissibility of raising the hands, it is not lawful to lift the hands in our circumstances because facing the graves is unavoidable.

(8) The practice of the Muftis (Hadhrat Mufti Mahmudul Hasan, Mufti Kifaayatullah, Hadhrat Thaanvi and others) who state the initial permissibility, was to refrain from raising the hands in the qabrastaan. Their *Tareeqah* was in line with the *Tareeqah of the Akaabireen*.

(9) In the Ahaadith of *Ta'leem*, Rasulullah (sallallahu alayhi wasallam) actively taught the Sahaabah what to do when visiting the graveyard. He taught them only the following acts:

- * To recite the Masnoon Dua
- * To recite the beginning and the ending of Surah Baqarah, and in some Ahaadith Surah Yaaseen, Surah Mulk, etc.
- * To recite Istighfaar and make dua. But he did not instruct them to raise their hands.

(10) Since the normal practice of Rasulullah (sallallahu alayhi wasallam) was to only stand for some time, make Istighfaar and Dua without raising the hands, the two rare examples cannot be cited to negate the *Ta-ammul* of the Ummah, which is to refrain from lifting the hands in the graveyard.

(11) Hadhrat Mufti Zafar Ahmad Uthmaani (rahmatullah alayh) contends that the Fuqaha did rule that the hands should not be lifted.

(12) Nowhere in the Kutub of Fiqh is lifting the hands enumerated among the *aadaab* of Dua when making *Ziyaarat*

of the *Quboor*. The permissibility is inferred from the general practice of Dua. But the aforementioned factors negate this initial permissibility.

(13) The *Ta-ammul* of the Ulama and Akaabireen has always been to refrain from lifting the hands when making dua in the graveyard regardless of them facing the Qiblah.

(14) Facing the graves in the graveyards is unavoidable even if the supplicators face towards the Qiblah. There is consensus on the prohibition of lifting the hands if there are graves in front of those making dua.

THE TA-AMMUL OF THE AKAABIREEN

The following question and answer appear in *Ahsanul Fataawa*, Vol.4:

Question: “After burying the mayyit to stand for a while at the grave and make dua is proven. But lifting the hands in this dua is not explicitly mentioned anywhere. Is lifting of the hands at the time of making dua (at the graveside) a proven fact or not?

Answer: According to the principle, to lift the hands is Mustahab. This supports lifting the hands in dua at the time of visiting the graves. But, the *Ta-ammul* of the Akaabir is not to lift the hands. In view of this, I could not muster up the courage to state this nor to practise it. It was for this reason (i.e. *Ta-ammul*) that in the first Volume of *Ahsanul Fataawa*, I had contended abstention from lifting the hands (i.e. it is not permissible). After this, I discovered a Hadith in which there is mention of lifting the hands (the reference is to the Hadith of Ibn Mas’ood—radhiyallahu anhu).

Therefore, I now do not have any hesitation in saying that lifting the hands is Mustahab. I, therefore, retract my earlier fatwa of abstention.”

The following facts in this *Fatwa* are glaring:

- (1) It has always been the *Ta-ammul* of the Akaabir to refrain from lifting the hands in the qabrustaan. There is absolutely no doubt in this irrefutable fact.
- (2) The *amal* (practice) of Hadhrat Mufti Rashid Ahmad (rahmatullah alayh), the author of *Ahsanul Fataawa*, was in line with the *Ta-ammul* of the Akaabir notwithstanding his *Fatwa* of permissibility.
- (3) The venerable Mufti Saheb has provided no explanation whatsoever for the *Ta-ammul* of the Akaabireen which is in apparent contradiction of the Hadith as he has understood it.
- (3) The *Ta-ammul* of all the Seniors of Mufti Rashid Ahmad (rahmatullah alayh) is in conflict with his *Fatwa*.

In the light of these factors the *Fatwa* and retraction of Hadhrat Mufti Rashid Ahmad (rahmatullah alayh) are palpably incorrect. It is inconceivable that all the Akaabireen who were experts in Deeni Uloom, masters of Hadith and meticulous in the observation of the details of the Sunnah, would unanimously adopt an *amal* in conflict with the Sunnah.

The *fataawaa* of permissibility of raising the hands in the qabrustaan are the opinions of individual Muftis and do not enjoy the consensus and *Isnaad* of the *Ta-ammul* of the Akaabir Ulama. It is highly improper to set aside the *Ta-ammul* of the Akaabir on the basis of isolated rulings of Muftis of this recent age, regardless of the stature of the Muftis. The grievous error

of Hadhrat Mufti Rashid Ahmad (rahmatullah alayh) was to summarily and arbitrarily dismiss the unanimous *Ta-ammul* of the Akaabireen without providing the slightest explanation for the existence of this *Ta-ammul*. He has compounded his error by his acknowledgement of this *Ta-ammul*, and by the fact that for the greater part of his life he was unable to muster up sufficient courage to reject the *Ta-ammul* of his Seniors, our Seniors –in fact, the Akaabireen of the Ummah.

The foregoing discussion should make it adequately clear that in the prevailing condition of bid'ah, customs of the Ahl-e-Bid'ah, resemblance with the Ahl-e-Bid'ah, the existence of the *Ta-ammul* of the Akaabireen, the direct Ta'leem of Rasulullah (sallallahu alayhis salaam) on this issue, and the many other factors mentioned in this discussion, lifting the hands in the qabrustaan when making dua is not permissible.

IT IS ONLY ONE ASPECT

Sight should not be lost of the actual question of the controversy. It is not only the issue of lifting the hands. That is only one aspect of the practice. The primary contention is that the whole of the practice –the new method – which has been introduced is bid'ah and in conflict with the Sunnah, even if permissibility of lifting of the hands is accepted momentarily. It is the whole form (*hay't-e-kathaaiyyah*) of the new method which is in conflict with the Sunnah. Consider the practice of the second dua after Salaat, known as *Faatihah Thaaniyah*. All our Ulama, including those who have introduced the new method in the qabrustaan so far say that the second congregational dua after the Sunnat and Nafl Salaat is bid'ah. This practice is a salient act of the Barailwi jamaat.

Why is this second dua bid'ah and not permissible? Dua is a meritorious act of Ibaadat. Raising the hands when making dua in the Musjid is permissible without any difference of opinion. Making dua any number of times is permissible. The *fadhaail* (virtues) of dua are great and numerous. Why then say that it is not permissible to make the second dua after Salaat when in fact, most of us do make the second dua almost regularly. However, there is a fundamental difference between the Ahl-e-Bid'ah and us when making the second dua. That difference is the *hay't-e-kathaaiyyah* and the status of near-compulsion which they have given to a practice which the Shariah does not accord. Rasulullah (sallallahu alayhi wasallam) and his Sahaabah made Dua and raised their hands in Dua. They made lengthy Duas, and they made Dua in abundance on all occasions. But they did not impose nor teach the form of congregational dua which the Bid'atis have introduced and accredited it as an 'integral' part of the Sunnah and Shariah.

In exactly the same way is the new method of the qabrustaan dua to be rejected as bid'ah.

Regardless of the permissibility of the individual acts in the new method, the collective practice –its present form (*hay't-e-kathaaiyyah*) renders it bid'ah. Rasulullah (sallallahu alayhi wasallam) did not make any announcement at the qabrustaan ordering the Sahaabah to face the Qiblah; nor did he announce or instruct them to lift their hands; nor did he make an *ijtimaa-i* (congregational) dua; nor did he fix any one specific method for the occasion of visiting the graves or for the recital after burial of the mayyit. Sometimes it was istighfaar and dua. Sometimes it was recitation of portions of the Qur'aan Majeed. No where is it recorded that he had made congregational dua in the qabrustaan. He did not instruct the observance of the form which has been recently introduced. The informality of Rasulullah's *Isaal-e-Thawaab* practices in the qabrustaan is the

reason for Hadhrat Thaanvi (rahmatullah alayh) stating: “*Just make dua like this.*” In other words, informally, without lifting the hands and without giving it a congregational form.

Our criticism is not directed at only the issue of lifting the hands. It is directed to the whole practice—to the new form invented by some of our Maulanas who are following in the footsteps of the Ahl-e-Barelli to appease the masses who are addicted to this type of bid’ah customs.

THE ERROR OF RANDOM HADITH SELECTION

It is improper to formulate a rule or initiate a practice simply on the basis of selecting a Hadith even if the Hadith is **Saheeh**. Every *Saheeh* Hadith cannot be cited as a basis for a new practice. The Ahaadith may not be viewed in isolation of the *Ta-aamul* and *Tawaaruth* of the Ummah. In their Books of Hadith the Muhadditheen state very clearly about some authentic Ahaadith which they have recorded in their *Saheeh Kutub*: “*Today, there is no amal on this Hadith*” – “*The Ulama have left off practising on this Hadith.*”, etc.

Consider the authentic Hadith narrations which confirm that Janaazah Salaat was performed by the Sahaabah in the qabrustaan between graves which were on all sides. But, what is the *Fatwa*? We can understand the motive for the ‘fatwas’ of the Qabar Pujaaris. They are of no significance. But inspite of the authenticity of these Ahaadith, the *Ta-ammul* of the Ummah is in conflict with it, and this is upheld by the divine principles of Allah’s Immutable Shariah.

The Fuqaha of the Ummah, the Ulama of the Ummah—the Akaabireen of this Ummah—are indispensable in the process of

the *Masaa-il* of the Shariah. No Hadith may be selected to negate the *Ta-ammul of the Ummah* regardless of its authenticity, and by the same token, no *Fatwa* and *Ta-ammul* of the Akaabireen may be refuted even if such *Ta-ammul* is based on a Hadith technically described as *Dhaeef* (Weak).

Those who are versed in Islamic Uloom know that it was the practice of the illustrious Muhadditheen to set aside their own *Saheeh* Ahaadith if there was a conflict with the *Ta-ammul and Ruling* of the Fuqaha. In doing so, they would comment: “*The amal of the Ahl-e-Ilm is on this...*” And, they would make this comment even if they had classified a Hadith to be *Dhaeef*. If the *Ta-ammul* of the Akaabir Ulama was on even a *Dhaeef* Hadith, it was the final word and even the Muhadditheen would submit to such *Ta-ammul* notwithstanding their classification.

In the Hadith of the *Jareed* (tree-twigs), it is recorded that Rasulullah (sallallahu alayhi wasallam) had split a twig into two and placed one part each on two graves. It was revealed to him that the inmates were undergoing punishment in the graves, hence Rasulullah (sallallahu alayhi wasallam) placed the fresh tree-twigs on the graves. The rationale for this act stated by Rasulullah (sallallahu alayhi wasallam) himself was that ‘perhaps’ on account of the *Tasbeeh* of the fresh twigs the punishment would be withheld or lightened. The Qur’aan Majeed in a number of verses confirms that every item of Allah’s creation recites *Tasbeeh*.

The Hadith is *Saheeh*. No one disputes it. But neither did the Sahaabah adopt this act as a permanent practice nor is it the *Ta-ammul* of the Ulama or the Ummah. Now will it be correct for any Mufti in this age to contend that since this act is *Thaabit Bis-Sunnah* (Evidenced by the Sunnah), the Ummah should adopt it. On the basis of such lopsided logic which is the

product of oblique mental vision, a Molvi Saheb may announce after burial of the mayyit that the assembly of Muslimeen should gather twigs, split them and place same on the grave. And, since it is an act substantiated by the authentic Hadith, it should be adopted as a regular practice and pressure be applied indirectly on people to conform. But no one, at least until now, among the Ulama of Deoband has ventured to invent any such bid'ah.

Inspite of what we have said above, if occasionally someone overcome with emotion, on his own accord silently without creating a fuss, implants a fresh tree twig on a grave, he will not be criticized. But, if anyone ventures to make a congregational practice out of this one-off act of Rasulullah (sallallahu alayhi wasallam), his act will be branded as bid'ah. The same applies to the new method of 'faatihah' introduced at the qabrustaan in emulation of the Ahl-e-Bid'ah.

THE HADITH ON LIFTING OF THE HANDS

On one occasion, after midnight, Hadhrat Aishah (radhiyallahu anhaa) saw Rasulullah (sallallahu alayhi wasallam) standing in Jannatul Baqee' (the graveyard in Madinah), making dua. He stood for a considerable time. In the process, Rasulullah (sallallahu alayhi wasallam) lifted his hands three times. This indicates that he had made separate duas three times. Each time after a dua, he would terminate it. Then he would resume the dua and end it. But those who do cite this Hadith to substantiate their new practice do not make dua thrice. They do not raise their hands thrice as described by Hadhrat Aishah (radhiyallahu anha). Furthermore, no one besides Hadhrat Aishah (radhiyallahu anha) narrates this episode. It was also narrated only once. In the Hadith Rasulullah (sallallahu alayhi wasallam) clarified to Hadhrat Aishah (radhiyallahu anha) that

Jibraeel had instructed him to visit the graveyard that night and supplicate for the deceased.

These facts show that this *amal* was exclusive with Rasulullah (sallallahu alayhi wasallam). No one ever makes dua in this manner –lifting the hands thrice. Just as it is argued that lifting the hands is Sunnat on the basis of this Hadith, so too can it be contended that to lift the hands thrice is also Sunnat. But no one has adopted it, not even the innovators of the new method. This should further clarify that one cannot simply establish a ritual act of ibaadat by a random selection of Ahaadith regardless of whether the act is in conflict with the *Ta-ammul* of the Akaabireen.

THE THREE AHAADITH

The Ahaadith narrated by Hadhrat Ibn Umar, Hadhrat Uthmaan Bin Affaan and Hadhrat Aishah (radhiyallahu anhum) regarding the ibaadat of *Isaal-e-Thawaab* in the Qabrustaan are very significant and emphatic in describing Nabi's (sallallahu alayhi wasallam) *Tareeqah* on these occasion. These Ahaadith have already been mentioned earlier on. In all three Ahaadith, Rasulullah (sallallahu alayhi wasallam) issued specific *Ta'leem* for observance at the graveside. In the Hadith of Ibn Umar (radhiyallahu anhu), Rasulullah (sallallahu alayhi wasallam) instructs the Sahaabah to recite parts of Surah Baqarah at the head and feet of the mayyit. He added nothing further. In the Hadith of Uthmaan Bin Affaan (radhiyallahu anhu), the instruction by Rasulullah (sallallahu alayhi wasallam) is to make Istighfaar and Dua for the mayyit. In the Hadith of Aishah (radhiyallahu anha) the *ta'leem* is to recite the Masnoon Dua which is generally recited when entering the qabrustaan. There is no mention of lifting the hands in the same way as there is no mention of lifting the hands when the countless

other Masnoon Duas are recited at their respective occasions, e.g. when waking up in the morning, when making wudhu, when dressing, when looking in the mirror, when eating, after eating, etc., etc.

It will be erroneous to argue that since lifting the hands is among the *aadaab* of dua, it is permissible to lift the hands when making all these Masnoon Duas throughout the day.

In any ambiguity or doubt or conflict in the narrations, the imperative need is to refer to the *Ta-ammul* of the Akaabireen. Now since the new method of dua in the qabrustaan is in conflict with the *Ta-ammul* of the Akaabireen, it has to be rejected. It is not permissible to conform with this bid'ah which has been recently introduced.

WE ARE MUQALLIDEEN

Every Aalim, every Mufti and every Allaamah of this age should not be beguiled by his nafs and run away with the idea that he is a Mujtahid of this age. There are no Mujtahids alive today. We all are pure Muqallideen and have no right whatsoever to diverge from the *Ta-ammul* of the Akaabireen on issues of pure ritual acts of Ibaadaat. Ritual Ibaadat was settled and decreed fourteen centuries ago, and the strongest evidence for the authenticity of any act of ibaadat is the *Ta-ammul* of the Akaabireen and the *Tasalsul* (Continuity) which their *amal* enjoys. The continuity of their practices is the proof for the Chain reaching the Sahaabah (radhiyallahu anhum).

Some Maulanas in this age are falling into the same snare in which the Salafis and modernists have become entrapped. They select narrations from the Books of Hadith, submit these to their own opinions and issue corrupt interpretations which

conflict with the *Ta-ammul* of the Ummah. This is a dangerous exercise with far reaching consequences highly detrimental to Imaan.

THE ATTITUDE OF THE SALF-E-SAALIHEEN

The Salf-e-Saalheen (our illustrious predecessors of the Taabieen, Tab-e-Taabieen ages and thereafter) have shown by their attitude that it is imperative to submit to the *Ta-ammul* and Rulings of the Fuqaha. The outstanding and lofty rank of Hadhrat Ibn Mubaarak (rahmatullahi alayh) in the firmament of Hadith and Fiqh is well-known. This illustrious Muhaddith and Faqeeh said: *“If Allah Ta’ala had not aided me through the medium of Abu Hanifah and Sufyaan Thauri, I would have been just like the (ignorant) masses.”*

Bishr Bin Al-Waleed Qaadhi (rahmatullah alayh) said: *“Once when we were by Sufyaan Bin Uyainah (rahmatullah alayh), a very difficult problem confronted us (i.e. a Deeni Mas’alah). He (Sufyaan) said: ‘Is here any Companion of Abu Hanifah?’ Someone said: ‘Bishr!’ He (Sufyaan) said: ‘Answer in this matter.’ Then, I answered.” He (Sufyaan) commented: “Safety in the Deen is in submission to the Fuqaha.”*

Great Fuqaha and Muhadditheen submitted readily to the Ulama whom they regarded as their Akaabir. The Muqallideen of this age have absolutely no right to extract Ahaadith from the Kutub, especially on acts of ritual ibaadat, and issue ‘fatwas’ in conflict with the *Ta-ammul* of the Akaabireen.

CONCLUSION

Every unbiased searcher of the Truth will understand what has been explained in this treatise. It is simple to understand that all

the illustrious Akaabir Ulama who had devoted their lives to Ilm and the Sunnah would never have acted in conflict with the Sunnah of Rasulullah (sallallahu alayhi wasallam). The fact that they had not adopted the Hadith of lifting the hands in the qabrustaan is by itself ample evidence for the validity of the *Ta-ammul* of the Akaabireen. Their *Ta-ammul* is based on the Principles of the Shariah, and it is Waajib on the Ummah to follow the Ulama and the Fuqaha whose practices have come down to us by way of a reliable Chain of Transmission, from generation to generation.

And, Allah Ta`ala knows best. May He bestow to us the taufeeq to follow the Sunnah of Rasulullah (sallallahu alayhi wasallam) as understood and propagated by his *Warathah (Heirs)*, the Akaabir Ulama of this Ummah.